

Amendments to the Specification

Please replace the paragraph beginning at page 1, line 28, with the following rewritten paragraph:

- - Accordingly, it is desirable to provide a method and apparatus for enabling attendees of an event to obtain lawful recordings of the event at the conclusion of the event. In addition to providing various different systems for creating substantially real time, high quality recordings of live events for distribution almost immediately after the conclusion of the event, embodiments of the present invention provide[[s]] various different methods for facilitating the lawful creation and distribution of such recordings. More particularly, embodiments of the present invention provide[[s]] methods whereby a service provider may negotiate the terms and conditions for creating and distributing such recordings, obtain the rights to legally create and distribute such recordings, prepare the appropriate materials that may be utilized during the creation and distribution of such recordings, execute the creation and distribution of such recordings on the day of the event, and distribute revenue and additional recordings after the day of the event. - -

Please replace the paragraph beginning at page 2, line 14, with the following rewritten paragraph:

- - FIG. 1 is a block diagram of ~~one embodiment of~~ an apparatus according to an embodiment of the present invention. - -

Please replace the paragraph beginning at page 2, line 16, with the following rewritten paragraph:

- - FIG. 2 is a flow chart of various steps that may be carried out during performance of a method according to an embodiment of the present invention. - -

Please replace the paragraph beginning at page 2, line 18, with the following rewritten paragraph:

- - FIG. 3A is a flow chart of steps that may be carried out as part of obtaining certain rights to lawfully practice a method according to an embodiment of the present invention. - -

Please replace the paragraph beginning at page 2, line 22, with the following rewritten paragraph:

- - FIG. 4 is a flow chart of steps that may be carried out in preparing certain materials for use during the practice of a method according to an embodiment of the present invention. - -

Please replace the paragraph beginning at page 2, line 25, with the following rewritten paragraph:

- - FIG. 5 is a flow chart of steps that may be carried out to setup certain equipment and materials for use during the practice of a method according to an embodiment of the present invention. - -

Please replace the paragraph beginning at page 3, line 8, with the following rewritten paragraph:

- - The following description is presented in the context of the practice of methods according to certain embodiments of the present invention by an individual or entity (hereinafter, a "service provider") who interacts with individuals or entities who provide the content of a live event (hereinafter, the "artist"), individuals or entities who provide the particular location for the event such as a stadium, club, university, theatre, amphitheatre, convention center, church, festival, or other location (hereinafter, the "venue"), individuals or entities who engage both the artist and the venue and assume financial risk toward each (hereinafter, the "promoter"), and individuals who attend the event (hereinafter, "attendees"). It should be understood that while much of this description anticipates an event such as a

concert performance of a musical work and accompanying words, much, but not all, of the following description of the teachings of certain embodiments of the present invention is equally applicable to performances of dramatic works and accompanying words, poetry recitals, speeches, lectures, sermons, debates, and any other type of performance having an audio component. - -

Please replace the paragraph beginning at page 3, line 24, with the following rewritten paragraph:

- - Referring now to FIG. 1, one configuration of a system suitable for creation of recordings of a live event during the practice of a method according to certain embodiments of the present invention is shown. System 10 generally includes an input processor 12, a backup recorder 14, a computing device 16, a master recorder 18, and a plurality of duplicators 20. Input processor 12 is configured to receive an original audio signal from, for example, a front of house console 22 which may be provided and operated by agents of the artist as is customary in the music business. This signal may be provided as an analog signal (or plurality of analog signals) or as a digital signal (or plurality of digital signals) in the form of one or more channels via a cable (or cables) or one or more wireless connections to input processor 12. The original audio signal may include output signals from the artist's instruments and microphones and playback devices for pre-recorded material played during the event as represented by artist equipment block 24, and output signals from ambient microphones 26 situated in the venue to detect the audio reaction of the attendees during the event, all mixed and processed by the sound person or crew operating front of house console 22. As is well known in the art, if the original audio signal is provided via a cable, the quality of the signal will degrade as the length of the cable is increased, thereby limiting the maximum acceptable distance between the source of the original audio signal and input processor 12. - -

Please replace the paragraph beginning at page 5, line 5, with the following rewritten paragraph:

- - Master recorder 18 may include a storage device 46 (such as a hard drive) for storing edited segment files 44 created using editing software 38 of computing device 16 and received via a wired or wireless connection to computing device 16, as well as a plurality of media receptacles 48 for receiving a plurality of media 50. Although the scope of this embodiment of the invention covers any of a plurality of different commercially available media (e.g., CDs, cassettes, and other content storage devices now known or later developed), the remainder of this specification will refer to CD media for purposes of simplifying the description of the invention. Accordingly, media 50 for use with master recorder 18 will hereinafter be referred to as a master CD 50 or MCD 50. Various different master recorders 18 may be used including a Tascam ® CDRW2000 or an Echostar ® brand master recorder. As is further described below, master recorder 18 also includes controls 52 for enabling an operator to simultaneously copy edited segment files 44 stored on storage device 46 onto each of MCDs 50, thereby creating a plurality of master copies. Of course, in other embodiments of the system, computing device 16 may be used to create a single MCD 50, and master recorder 18 may be used to duplicate the single MCD 50 onto a plurality of MCDs 50. Alternatively, computing device 16 and master recorder 18 may be combined or otherwise configured such that edited segment files 44 are written directly onto a plurality of MCDs 50, in either a disc-at-once or track-at-once mode. In yet another alternative embodiment, master recorder 18 (or computing device 16) may be configured such that it creates a single MCD 50, which is replicated onto final CDs as is further described below. - -

Please replace the paragraph beginning at page 6, line 28, with the following rewritten paragraph:

- - Duplicators 20 may be housed in cases to protect duplicators 20 during loading and unloading, and during use at the event. Each case may house a plurality of duplicators 20 and include casters or wheels to render the cases more easily moved during setup and tear down of system 10. Each case may further include backup power supplies (not shown) to ensure

uninterrupted operation even in the event of an interruption of power supplied by the venue, and fans (not shown) or other cooling devices to ensure that the plurality of duplicators 20 are not damaged by excessive heat generated during operation. As is further described below, duplicators 20 may alternatively be housed in a vehicle such that duplicators 20 are not loaded or unloaded for operation. In one embodiment, duplicators 20 are housed within a tour bus or a trailer. In this manner, duplicators 20 need not be separately transported from event to event during a tour in which the service of embodiments of the present invention will be provided at multiple events. As such, the service provider may reduce setup time of system 10, and provide the personnel of the service provider more time to sleep as the personnel travel from event to event. - -

Please replace the paragraph beginning at page 7, line 19, with the following rewritten paragraph:

- - FIG. 2 generally depicts three stages of activity carried out in the course of practicing ~~one embodiment of~~ a method according to an embodiment of the present invention. More specifically, the service provider may prepare for the event by contracting with the relevant parties, obtaining rights to make and distribute recordings, and preparing the materials and information relating to the event as depicted in block 72, execute the event as depicted in block 74, and conduct post-event follow up activities as depicted in block 76. - -

Please replace the paragraph beginning at page 7, line 26, with the following rewritten paragraph:

- - As shown in FIG. 2, prepare for event stage 72 may include the steps of negotiating and contracting with the artist (block 78) (directly or through the artist's management or booking agency) and contracting and negotiating with promoters and/or venue personnel (block 80), obtaining mechanical licenses (block 82), determining a draw for the event (block 92), preparing packaging for the event (block 94), and preparing order tickets for the event (block 96). Regarding contracting steps 78, 80, in general, the promoter negotiates the terms and conditions for the provision of the content of an event or performance with the

management and/or booking agent of the performing artist, and with the venue's representatives to secure the venue for the event. These terms and conditions are typically incorporated into two agreements involving the promoter, one for the artist's services and one for the venue. The artist's technical requirements for production of an event are typically incorporated into the agreement between the artist and the promoter (commonly referred to as a technical rider or "rider"). Since the artist often has no direct contractual relationship with the venue, the promoter may be responsible for obtaining the venue's compliance with rider requirements. In other situations, the service provider, the artist's management, or the booking agent may be responsible for ensuring the venue's compliance. While the service provider of embodiments of the present invention typically negotiates with both the artist and the promoter and/or venue, the scope of the present disclosure and appended claims is sufficiently broad to cover situations wherein the service provider is owned or controlled by the venue, the promoter, or the artist. Referring to step 78, where an artist is interested in utilizing the service provided through use of one or more embodiments of the present invention, the service provider may negotiate with the artist to determine the payment to the artist per unit of final product distributed (further described below), and to ensure that the artist incorporates into the rider or otherwise in the agreement with the promoter, requirements that the venue provide certain resources to facilitate execution of the event. As is explained in detail below, these resources may include power sources and cabling for gear, personnel to perform certain tasks (such as stage hands, road crew, and security) before, during and after the event, dedicated space for gear and point-of-sales (POS) location(s), dedicated routes between gear and POS location(s), secure cash depositories, and sales tax processing services. In this manner, the artist may, through its negotiations with the promoter, or less commonly with the venue, ensure that all of the resources needed to successfully and safely execute the event will be made available to the service provider at the venue as and when needed. - -

Please replace the paragraph beginning at page 12, line 21, with the following rewritten paragraph:

- - It should also be understood that if the service provider and the artist have agreed that the service of one or more embodiments of the present invention will be provided for a plurality of events (e.g., an entire tour or part of a tour), then the artist-specific materials will likely include relatively generic artist information that applies to each of the plurality of events such as, for example, the name of the artist, the name of the tour, the name of the material forming the basis of the tour, the names of members of the band, tour logo, artist logo, sponsorship(s), etc. If, on the other hand, the service will be provided for a single event, then more specific information may be included on the packaging such as the name of the venue, the date of the event, etc., as indicated by block 102. Other event-specific materials may include stickers for attachment to the more generic, artist-specific materials to identify, for example, the names of the venues and the dates of the individual events recorded during the course of a tour. Any of the above-identified packaging materials may readily be imprinted with a bar-code label for use in tracking inventory and facilitating distribution of final products as is further described below. - -

Please replace the paragraph beginning at page 13, line 3, with the following rewritten paragraph:

- - As indicated above, prepare order tickets step 96 of FIG. 2 may be carried out during prepare for event stage 72 of one or more embodiments of the present invention. As is further described below, the order tickets may be used to facilitate pre-event selling of the final products, both before the day of the event and on the day of the event. That is, before the event is completed, the service provider may give an attendee an order ticket in exchange for the purchase price of the final product. In this manner, the service provider is able to determine the number of final products to produce during the event to satisfy the pre-established demand as well as the anticipated quantity of units to indicate in mechanical license requests. Of course, the service provider may produce a number of additional final products to distribute to attendees who did not pre-pay, but wish to purchase a final product

at the venue after the event. Additional copies may be produced for archival purposes and/or to satisfy demand realized through alternative distribution channels such as on-line sales, telephone sales, catalogue sales, sales at future events, sales at retail outlets, or other modes of distribution used after the day of the event as is further described below. - -

Please replace the paragraph beginning at page 21, line 10, with the following rewritten paragraph:

- - Create MCDs step 154 of FIG. 6 may include the steps of copying individual, edited segment files 44 onto an MCD 50 as each edited segment file 44 is completed. Alternatively, a plurality of edited segment files 44 (corresponding to the desired content of a particular MCD 50) may be copied onto an MCD 50 in a single copying operation. Of course, edited segment files 44 may also be copied to multiple MCDs 50 to facilitate more rapid production of FCDs 56, as is further described below. It should also be understood that, in one embodiment of the invention, edited segment files 44 may be copied to a master file stored, for example, on hard drive 46 of master recorder 18, which in turn is copied via a communication interface (e.g., a wired or wireless network) to duplicators 20 to make FCDs 56. Of course, it is also within the scope of certain embodiments of the present invention to provide for copying individual, edited segment files 44 via such a communication interface directly to duplicators 20, without creating a master file of any kind. In any of these embodiments, creation of MCDs 50 may optionally include the step of inserting copyright protection technology according to principles that are well known in the art. - -

Please replace the paragraph beginning at page 22, line 12, with the following rewritten paragraph:

- - After MCDs 50 are transported to the site of duplicators 20, the step of creating FCDs 56 is performed as indicated by step 160 of FIG. 6. As described above, a variety of different duplication setups are suitable for practice of certain embodiments of the present invention. In one embodiment, an MCD 50 is placed into receptacle 58 of each duplicator 20. Each duplicator 20 may be configured to simultaneously create (by copying the content of MCD

50) a plurality of FCDs 56. Of course, the more FCDs 56 produced by each duplicator 20, and the more duplicators 20 used at the duplication site, the more FCDs 56 (and final products) that can be produced per unit of time. - -

Please replace the paragraph beginning at page 24, line 29, with the following rewritten paragraph:

- - In an alternate embodiment, computing device 16 is omitted from system 10 of FIG. 1 to simplify the setup and operation of system 10. In this embodiment, the processed audio signal from input processor 12 is transmitted directly to master recorder 18 and copied onto MCDs 50 as is indicated by dotted line 13 of FIG. 1. As indicated above, the processed audio signal in this embodiment may be an analog signal, which may be converted to a digital form by A/D converter 30 included in master recorder 18. More specifically, master recorder 18 is configured, in this embodiment, to receive break inputs (similar to break inputs 42) indicating transitions between segments of the performance, as the processed signal from input processor 12 is being copied onto hard drive 46, thereby creating edited segment files 44. Simultaneously, edited segment files 44 are copied to one or more MCDs 50 in the manner described above. MCDs 50 are then duplicated as described above. It should be understood, however, that it is within the scope of certain embodiments of the present invention to copy the processed audio signal from input processor 12 (or the original audio signal(s) from front of house console 22) directly onto an MCD 50 (or multiple MCDs 50) without creating edited segment files 44. It should also be understood that it is within the ability of a skilled artisan to route the processed audio signal (or original audio signal) directly to duplicators 20 for real time duplication onto FCDs 56. - -